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Attorneys for Plaintiff

JA/GG DOE 14, representing one (1)
 plaintiff,

Plaintiff,

v.

DIOCESE OF METUCHEN a/k/a
THE ROMAN CATHOLIC DIOCESE
OF METUCHEN a/k/a THE ROMAN
CATHOLIC BISHOP OF
METUCHEN; THE ROMAN
CATHOLIC ARCHDIOCESE OF
NEWARK a/k/a ARCHDIOCESE OF
NEWARK; ST. FRANCIS XAVIER
a/k/a SHRINE OF DIVINE MERCY
ST. FRANCIS XAVIER; ESSEX
CATHOLIC BOYS HIGH SCHOOL;
HOLY TRINITY; OUR LADY OF
THE LAKE; ST. CASSIAN a/k/a ST.
CASSIAN'S; IMMACULATE
CONCEPTION; THEODORE E.
MCCARRICK; ABC ENTITY, its
 priests, reverends, teachers, deacons,
 directors, officers, employees, agents,
 servants, representatives and/or
 volunteers, is a fictitious name of an
 entity believed to have employed
 Cardinal Theodore E. McCarrick, Father
 Anthony Nardino, Brother Andrew
 Thomas Hewitt, C.F.C., Father Gerald

: SUPERIOR COURT OF NEW JERSEY
 : LAW DIVISION - MIDDLESEX
 : COUNTY

: DOCKET NO.: _____

: CIVIL ACTION

: COMPLAINT, JURY DEMAND AND
 : DESIGNATION OF TRIAL COUNSEL

Ruane, Father Michael Walters, and :
 Father John Laferrera; and **JOHN DOES** :
1-5, individually, and in their capacity as :
 a former and/or current priest, reverend, :
 teacher, deacon, director, officer, :
 employee, agent, servant, representative :
 and/or volunteer of the defendants, are :
 persons whose identities are unknown to :
 Plaintiff, :

Defendants. :

Plaintiff, JA/GG DOE 14, by and through Plaintiff's attorneys, by way of Complaint against the Defendants, states and alleges as follows:

PARTIES

1. At all times material to this Complaint, Plaintiff resided in the State of New Jersey.
2. At all times material, Defendant The Diocese of Metuchen a/k/a the Roman Catholic Diocese of Metuchen a/k/a the Roman Catholic Bishop of Metuchen (hereinafter "Diocese") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New Jersey with its principal place of business at 146 Metlars Lane, Piscataway, New Jersey 08854.
3. The Diocese of Metuchen was created and incorporated in approximately 1981 from the Diocese of Trenton. The Diocese operates its affairs as both a corporate entity and as an organization known as the Diocese of Metuchen. Both of these entities and all other corporations and entities controlled by the Bishop are included in this Complaint as being the "Diocese." The Bishop is the top official of the Diocese and is given authority over all matters within the Diocese as a result of his position. The Diocese functions as a business by engaging in numerous revenue

producing activities and soliciting money from its members in exchange for its services.

4. The Diocese of Metuchen has several programs which seek out the participation of children in the Diocese's activities. The Diocese, through its officials, has control over those activities involving children. The Diocese has the power to appoint, supervise, monitor and fire each person working with children within the Diocese of Metuchen.

5. The Diocese is a resident of the State of New Jersey because its principal place of business is in the state.

6. At all times material, Defendant The Roman Catholic Archdiocese of Newark a/k/a Archdiocese of Newark (hereinafter "Archdiocese") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees authorized to conduct business and conducting business in the State of New Jersey with its principal place of business at 171 Clifton Avenue, Newark, New Jersey 07104.

7. The Newark Diocese was established in approximately 1853 and erected an Archdiocese in approximately 1937. Later, the Archdiocese created a corporation called the Roman Catholic Archdiocese of Newark to conduct some of its affairs. The Archdiocese operates its affairs as both a corporate entity and as an organization known as the Archdiocese of Newark. Both of these entities and all other corporations and entities controlled by the Archbishop are included in this Complaint as being the Archdiocese of Newark. The Archbishop is the top official of the Archdiocese and is given authority over all matters within the Archdiocese as a result of his position. The Archdiocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

8. The Archdiocese of Newark has several programs which seek out the participation of children in the Archdiocese's activities. The Archdiocese, through its officials, has control over

those activities involving children. The Archdiocese has the power to appoint, supervise, monitor and terminate each person working with children within the Archdiocese of Newark.

9. The Archdiocese of Newark is a resident of the State of New Jersey because its principal place of business is in the state.

10. At all times material, St. Francis Xavier's a/k/a Shrine of Divine Mercy St. Francis Xavier (hereinafter "St. Francis Xavier") was and continues to be an organization authorized to conduct business in the State of New Jersey, with its principal place of business at 243 Abington Ave., Newark, NJ 07107. St. Francis Xavier includes, but is not limited to, the St. Francis Xavier corporation and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

11. At all times material, St. Francis Xavier was and continues to be under the direct authority, control, and province of Defendant Archdiocese and the Archbishop of the Archdiocese of Newark. Defendant St. Francis Xavier includes any school affiliated with St. Francis Xavier. At all times material, Defendants St. Francis Xavier and Archdiocese owned, operated, managed, maintained, and controlled the St. Francis Xavier School.

12. At all times material, Essex Catholic Boys High School (hereinafter "Essex Catholic") was an organization authorized to conduct business in the State of New Jersey, with its principal place of business at 135 Glenwood Ave., East Orange, NJ 07017. Essex Catholic includes, but is not limited to, the Essex Catholic corporation and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

13. At all times material, Essex Catholic was under the direct authority, control, and province of Defendant Archdiocese and the Archbishop of the Archdiocese of Newark.

14. At all times material, Holy Trinity was and continues to be an organization authorized to conduct business in the State of New Jersey, with its principal place of business at 34 Maple Ave., Hackensack, NJ 07602. Holy Trinity includes, but is not limited to, the Holy Trinity corporation and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

15. At all times material, Holy Trinity was and continues to be under the direct authority, control, and province of Defendant Archdiocese and the Archbishop of the Archdiocese of Newark. Defendant Holy Trinity includes any school affiliated with Holy Trinity. At all times material, Defendants Holy Trinity and Archdiocese owned, operated, managed, maintained, and controlled Holy Trinity School.

16. At all times material, Our Lady of the Lake was and continues to be an organization authorized to conduct business in the State of New Jersey, with its principal place of business at 32 Lakeside Ave., Verona, NJ 07044. Our Lady of the Lake includes, but is not limited to, the Our Lady of the Lake corporation and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

17. At all times material, Our Lady of the Lake was and continues to be under the direct authority, control, and province of Defendant Archdiocese and the Archbishop of the Archdiocese of Newark. Defendant Our Lady of the Lake includes any school affiliated with Our Lady of the Lake. At all times material, Defendants Our Lady of the Lake and Archdiocese owned, operated, managed, maintained, and controlled Our Lady of the Lake School.

18. At all times material, St. Cassian a/k/a St. Cassian's (hereinafter "St. Cassian") was and continues to be an organization authorized to conduct business in the State of New Jersey, with its principal place of business at 187 Bellevue Ave., Upper Montclair, NJ 07043. St. Cassian

includes, but is not limited to, the St. Cassian corporation and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

19. At all times material, St. Cassian was and continues to be under the direct authority, control, and province of Defendant Archdiocese and the Archbishop of the Archdiocese of Newark. Defendant St. Cassian includes any school affiliated with St. Cassian. At all times material, Defendants St. Cassian and Archdiocese owned, operated, managed, maintained, and controlled St. Cassian School.

20. At all times material, Immaculate Conception was and continues to be an organization authorized to conduct business in the State of New Jersey, with its principal place of business at 372 Woodside Ave., Newark, NJ 07104. Immaculate Conception includes, but is not limited to, the Immaculate Conception corporation and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

21. At all times material, Immaculate Conception was and continues to be under the direct authority, control, and province of Defendant Archdiocese and the Archbishop of the Archdiocese of Newark.

22. Defendants St. Francis Xavier, Essex Catholic,, Holy Trinity, Our Lady of the Lake, St. Cassian and Immaculate Conception are hereinafter collectively referred to as “Archdiocesan Entities”

23. At all times material, Defendant Cardinal Theodore E. McCarrick (hereinafter “McCarrick”) was an adult male resident of the State of New Jersey and an agent and/or employee of Defendant Diocese.

24. Whenever reference is made to any Defendant entity, such reference includes that

entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity's business or affairs.

25. The Defendant ABC ENTITY, its priests, reverends, teachers, deacons, directors, officers, employees, agents, servants, representatives and/or volunteers, is a fictitious name of an entity believed to have employed Bp. McCarrick, Father Anthony Nardino, Brother Andrew Thomas Hewitt, C.F.C., Father Gerald Ruane, Father Michael Walters, and Father John Laferrera.

26. The Defendant JOHN DOES 1-5, individually, and in their capacity as a former and/or current priest, reverend, teacher, deacon, director, officer, employee, agent, servant, representative and/or volunteer of the defendants, are persons whose identities are unknown to Plaintiff.

JURISDICTION, VENUE AND NEW LAWS

27. This Court has jurisdiction over this action as Defendants principal places of business is in New Jersey and because the unlawful conduct complained of herein occurred in New Jersey.

28. Venue is proper in this county pursuant to New Jersey Court Rule 4:3-2 because this County is the principal place of business of Defendant Diocese. In addition, events that are relevant to this action occurred within this County.

FACTUAL ALLEGATIONS

29. At all times material, Cardinal Theodore McCarrick was a Roman Catholic cleric employed by the Diocese of Metuchen. McCarrick remained under the direct supervision, employ,

and control of Defendant Diocese.

30. Defendant Diocese placed McCarrick in positions where McCarrick had access to and worked with children as an integral part of his work.

31. At all times material, Father Anthony Nardino (hereinafter “Fr. Nardino”) was a Roman Catholic cleric employed by the Archdiocese of Newark and St. Francis Xavier. Fr. Nardino remained under the direct supervision, employ, and control of Defendants Archdiocese of Newark and St. Francis Xavier.

32. Defendants Archdiocese of Newark and St. Francis Xavier placed Fr. Nardino in positions where he had access to and worked with children as an integral part of his work.

33. At all times material, Brother Andrew Thomas Hewitt, C.F.C. (hereinafter “Br. Hewitt”) was a Roman Catholic cleric employed by the Archdiocese of Newark, and Essex Catholic. Br. Hewitt remained under the direct supervision, employ, and control of Defendants Archdiocese of Newark and Essex Catholic.

34. Defendants Archdiocese of Newark and Essex Catholic placed Br. Hewitt in positions where he had access to and worked with children as an integral part of his work.

35. At all times material, Father Gerald Ruane (hereinafter “Fr. Ruane”) was a Roman Catholic cleric employed by the Archdiocese of Newark, Holy Trinity, and Our Lady of Lake. Fr. Ruane remained under the direct supervision, employ, and control of Defendants Archdiocese of Newark, Holy Trinity, and Our Lady of Lake.

36. Defendants Archdiocese of Newark, Holy Trinity, and Our Lady of Lake, placed Fr. Ruane in positions where he had access to and worked with children as an integral part of his work.

37. At all times material, Father Michael Walters (hereinafter “Fr. Walters”) was a

Roman Catholic cleric employed by the Archdiocese of Newark, and St. Cassian. Fr. Walters remained under the direct supervision, employ, and control of Defendants Archdiocese of Newark, and St. Cassian.

38. Defendants Archdiocese of Newark, and St. Cassian placed Fr. Walters in positions where he had access to and worked with children as an integral part of his work.

39. At all times material, Father John Laferrera (hereinafter “Fr. Lafererra”) was a Roman Catholic cleric employed by the Archdiocese of Newark, and Immaculate Conception. Fr. Laferrera remained under the direct supervision, employ, and control of Defendants Archdiocese of Newark, and Immaculate Conception.

40. Defendants Archdiocese of Newark, and Immaculate Conception placed Fr. Laferrera in positions where he had access to and worked with children as an integral part of his work.

41. Plaintiff was raised in a devout Roman Catholic family and attended St. Francis Xavier in Newark, and Essex Catholic in East Orange, in the Archdiocese of Newark.

42. Plaintiff participated in youth activities and/or church activities at St. Francis Xavier and Essex Catholic. Plaintiff, therefore, developed great admiration, trust, reverence, and respect for the Roman Catholic Church, including Defendants and their agents.

43. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on Defendants. Defendants had custody and/or supervision of Plaintiff and accepted the entrustment of Plaintiff and, therefore, had responsibility for Plaintiff and authority over Plaintiff.

44. In approximately 1978, when Plaintiff was approximately 11 years old and a parishioner and altar server at St. Francis Xavier, Fr. Nardino engaged in unpermitted sexual contact with Plaintiff.

45. From approximately 1981 to 1983, when Plaintiff was approximately 14 to 16 years old and a student at Essex Catholic, Br. Hewitt engaged in unpermitted sexual contact with Plaintiff.

46. In approximately 1982, Br. Hewitt, then-principal at Essex Catholic, orchestrated a meeting between Plaintiff and McCarrick under the guise that McCarrick would help Plaintiff pay his school tuition.

47. After the first meeting with McCarrick, Plaintiff was taken on overnight and weekend trips to a beach house in Sea Girt, NJ in the Diocese of Metuchen.

48. Upon information and belief, McCarrick assigned sleeping arrangements, choosing his victims from the boys, seminarians and clerics present at the beach house.

49. On these occasions, minor boys were assigned to different rooms and paired with adult clerics.

50. Bp. McCarrick, Fr. Ruane, Fr. Walters, and Fr. Laferrera engaged in unpermitted sexual contact with Plaintiff at the Sea Girt residence.

51. From approximately 1982 to 1983 when Plaintiff was approximately 14 to 16 years old, McCarrick engaged in unpermitted sexual contact with Plaintiff.

52. From approximately 1982 to 1983, when Plaintiff was approximately 14 to 16 years old, Fr. Ruane engaged in unpermitted sexual contact with Plaintiff.

53. From approximately 1982 to 1983, when Plaintiff was approximately 14 to 16 years old, Fr. Walters engaged in unpermitted sexual contact with Plaintiff.

54. From approximately 1982 to 1983, when Plaintiff was approximately 14 to 16 years old, Fr. Laferrera engaged in unpermitted sexual contact with Plaintiff.

55. Upon information and belief, prior to the sexual abuse of Plaintiff, from

approximately 1969 to 1976, McCarrick repeatedly sexually abused James Grein. The abuse started when Grein was a minor and continued for years into Grein's adulthood. At the time of his abuse of Grein, McCarrick was a priest of the Archdiocese of New York.

56. Upon information and belief, from approximately 1970 to 1990, McCarrick sexually assaulted at least 7 minor boys.

57. Upon information and belief, in 1971 and 1972, at Christmas Masses, McCarrick sexually assaulted a minor altar boy and who had been selected to assist McCarrick with serving Christmas Mass. In 2018, the Archdiocese of New York found these allegations credible and substantiated.

58. In 1981, McCarrick was appointed Bishop of the Diocese of Metuchen in New Jersey.

59. The sexual abuse of Plaintiff at McCarrick's residence occurred while McCarrick was employed as the Bishop of the Diocese of Metuchen.

60. In 1987, McCarrick was appointed Archbishop of the Archdiocese of Newark in New Jersey.

61. In the late 1980s, Reverend Boniface Ramsey, O.P., a cleric teaching at Immaculate Conception Seminary, reported his concerns about McCarrick's inappropriate conduct with seminarians to the rector of the seminary.

62. In 1993, Fr. Ramsey again expressed concerns to his friend, the Archbishop of Louisville, Kentucky Thomas Kelly, O.P. regarding McCarrick's conduct with seminarians. Archbishop Kelly responded, "we all know."

63. In 1993, the Diocese of Metuchen learned of McCarrick's sexual exploitation of a young seminarian.

64. In 1994, a priest of the Diocese of Metuchen wrote to the Bishop of the Diocese of Metuchen, Edward T. Hughes, that McCarrick had inappropriately touched him when he was a seminarian.

65. Upon information and belief, from 1994 to 2008, multiple reports about McCarrick's transgressions with seminarians were made to American bishops, the Pope's representative in Washington, and Pope Benedict XVI.

66. Upon information and belief, in 1994, Robert Hoatson, a former New Jersey priest, as a young religious brother, expressed concern about McCarrick relationships with seminarians to an official in the Archdiocese of Newark.

67. In approximately 1995 or 1996, McCarrick sexually abused a minor altar boy at St. Francis of Assisi in Hackensack, NJ.

68. In 1997, McCarrick, a founding member of The Papal Foundation, began serving as its President. The Papal Foundation provided funds to the Vatican and Catholic Missions.

69. In 2000, McCarrick began serving as a Board member of Catholic Relief Services. He served on that Board until 2014. Catholic Relief Services provided funds to the Vatican and Catholic Missions.

70. In 2000, Fr. Ramsey sent a letter to Nuncio Archbishop Gabriel Montalvo expressing his concerns about McCarrick and his inappropriate behavior with seminarians.

71. In 2001, McCarrick was appointed Cardinal Archbishop of Washington, D.C.

72. Upon information and belief, in 2002, McCarrick announced the new Vatican policy on sexual abuse by priests from Rome. McCarrick outlined a multi-step process in which an accused priest would be put on administrative leave and removed from clerical duties while a case was investigated.

73. Upon information and belief, in the early to mid-2000s, two former priests, Robert Ciolek and an unnamed man, were paid settlements for harassment and sexual abuse they suffered by McCarrick in the 1980s when they were seminarians.

74. In 2018, Carlo Maria Viganò, Titular Archbishop of Ulpiana and former Apostolic Nuncio in the United States, released a letter indicating that the Holy See had been informed in at least 2000 of McCarrick's "gravely immoral behavior with seminarians and priests."

75. In 2018, Fr. Ramsey released an October 2006 letter that he had received from a top official of the Vatican Secretariat of State. In the letter, then-Archbishop Leonardo Sandri acknowledged receipt of the allegations regarding McCarrick in 2000.

76. Upon information and belief, after 2008, sanctions were imposed by Supreme Pontiff Benedict XVI upon McCarrick due to his inappropriate behavior with seminarians and fellow priests. The sanctions provided that McCarrick leave the seminary where he was living, and McCarrick was forbidden to celebrate public Mass, participate in public meetings, or travel with the obligation of dedicating himself to a life of prayer and penance.

77. Upon information and belief, the sanctions imposed by Pontiff Benedict XVI were not enforced.

78. On information and belief, in 2009, in violation of Pontiff Benedict XVI's sanctions, McCarrick continued to travel and celebrate public Mass, and did so with noteworthy officials. This included a celebration of public Mass by McCarrick with the Dominican Sisters in Summit, New Jersey.

79. Upon information and belief, during 2011, 2012, and 2013, in violation of Pontiff Benedict XVI's sanctions, McCarrick continued to travel and celebrate public Mass.

80. Archbishop Viganò indicated in his 2018 letter that he informed Supreme Pontiff

Francis of McCarrick's inappropriate behavior and history of abuse in 2013: "Holy Father, I don't know if you know about Cardinal McCarrick, but if you ask the Congregation for Bishops there is a dossier this thick about him. He corrupted generations of seminarians and priests and Pope Benedict ordered him to withdraw to a life of prayer and penance."

81. Upon information and belief, in 2013, laicization of McCarrick was initiated.

82. Supreme Pontiff Francis remained complicit in the cover-up of McCarrick and did not take action as to McCarrick or accept McCarrick's resignation from the College of Cardinals until July 2018 after several accusations that McCarrick had sexually abused minors became public.

83. On August 12, 2018, the Office of Attorney General of the Commonwealth of Pennsylvania released its Grand Jury Report regarding child sex abuse in Catholic Dioceses within Pennsylvania.

84. On August 25, 2018, Archbishop Viganò publically released his letter concerning information about McCarrick.

85. Upon information and belief, on February 13, 2019, McCarrick was defrocked.

86. Upon information and belief, in August 2019, Seton Hall Seminary announced findings from a report they had commissioned for an independent review.

87. The independent review found that, "McCarrick created a culture of fear and intimidation that supported his personal objectives. McCarrick used his position of power as then-Archbishop of Newark to sexually harass seminarians."

88. The review further found that the Title IX policies in place "were not always followed at Immaculate Conception Seminary and St. Andrew's Seminary, which resulted in incidents of sexual harassment going unreported to the University.

89. Defendant Diocese knew or should have known that McCarrick was a danger to children before McCarrick sexually assaulted Plaintiff.

90. Defendants Archdiocese and Archdiocesan Entities knew or should have known that Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera were a danger to children before Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera sexually assaulted Plaintiff.

91. Prior to the sexual abuse of Plaintiff, Defendants Diocese, Archdiocese and Archdiocesan Entities learned or should have learned that McCarrick, Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera were not fit to work with children. Defendants Diocese, Archdiocese, and Archdiocesan Entities, by and through their agents, servants and/or employees, became aware, or should have become aware of McCarrick's, Br. Hewitt's, Fr. Ruane's, Fr. Walters', and Fr. Laferrera's propensity to commit sexual abuse and of the risk to Plaintiff's safety. At the very least, Defendants Diocese, Archdiocese and Archdiocesan Entities knew or should have known that it did not have sufficient information about whether or not its leaders and people working at Catholic institutions were safe.

92. Defendants Diocese, Archdiocese and Archdiocesan Entities knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Diocese and Archdiocese. At the very least, Defendants Diocese, Archdiocese and Archdiocesan Entities knew or should have known that it did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in Catholic programs and activities within the Diocese and Archdiocese.

93. Defendants Diocese, Archdiocese, and Archdiocesan Entities knew or should have known that it had numerous agents who had sexually molested children. Defendants Diocese, Archdiocese and Archdiocesan Entities knew or should have known that child molesters have a

high rate of recidivism. Defendants Diocese, Archdiocese and Archdiocesan Entities knew or should have known that some of the leaders and people working in Catholic institutions within the Diocese and Archdiocese were not safe and that there was a specific danger of child sex abuse for children participating in their youth programs.

94. Instead, Defendants Diocese, Archdiocese and Archdiocesan Entities negligently deemed that McCarrick, Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. LaFerrera was fit to work with children and/or that any previous problems were fixed or cured and/or that McCarrick, Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. LaFerrera would not sexually assault children and/or that McCarrick, Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. LaFerrera would not injure children.

95. Defendants Diocese, Archdiocese and Archdiocesan Entities owed Plaintiff a duty of reasonable care because it had superior knowledge about the risk that McCarrick, Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. LaFerrera posed to Plaintiff, the risk of abuse in general in its programs and/or the risks that its facilities posed to minor children.

96. Defendants Diocese, Archdiocese and Archdiocesan Entities owed a duty to Plaintiff to protect Plaintiff from harm because its actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child participating in the programs and activities Defendants offered to minors, Plaintiff was a foreseeable victim. As a vulnerable child who McCarrick had access to through Defendants' facilities and programs, Plaintiff was a foreseeable victim.

97. Defendants Diocese, Archdiocese and Archdiocesan Entities also breached its duty to Plaintiff by actively maintaining and employing McCarrick, Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. LaFerrera in positions of power and authority through which McCarrick, Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. LaFerrera had access to children, including Plaintiff, and power and control over children, including Plaintiff.

98. Defendants Diocese, Archdiocese and Archdiocesan Entities breached its duties to Plaintiff. Defendants failed to use ordinary care in determining whether its facilities were safe and/or determining whether it had sufficient information to represent its facilities as safe. Defendants' breach of their duties include, but is not limited to: failure to protect Plaintiff from a known danger, failure to have sufficient policies and procedures to prevent child sex abuse, failure to properly implement policies and procedures to prevent child sex abuse, failure to take reasonable measures to make sure that policies and procedures to prevent child sex abuse were working, failure to adequately inform families and children of the risks of child sex abuse, failure to investigate risks of child sex abuse, failure to properly train the employees at institutions and programs within Defendants Diocese's and Archdiocese's geographical confines, failure to train parishioners within Defendants Diocese's and Archdiocese's geographical confines about the risk of sexual abuse, failure to have any outside agency test its safety procedures, failure to protect the children in its programs from child sex abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train its employees properly to identify signs of child sexual abuse by fellow employees, failure by relying upon mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

99. Defendants Diocese, Archdiocese and Archdiocesan Entities also breached their duty to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that McCarrick, Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. LaFerrera posed and the risks of child sexual abuse in Catholic institutions. Defendants Diocese, Archdiocese and Archdiocesan Entities also failed to warn them about any of the knowledge that Defendants had about child sexual abuse.

100. Defendants Diocese, Archdiocese and Archdiocesan Entities additionally violated a legal duty by failing to report known and/or suspected abuse of children by McCarrick, Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. LaFerrera and/or its other agents to the child protection agencies, police and law enforcement.

101. Defendants Diocese, Archdiocese and Archdiocesan Entities were negligent and/or made representations to Plaintiff and Plaintiff's family during each and every year of Plaintiff's minority.

102. As a result of Defendants' conduct described herein, Plaintiff has suffered, and will continue to suffer, great pain of mind and body, severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, humiliation, physical, personal and psychological injuries. Plaintiff was prevented, and will continue to be prevented, from performing normal daily activities and obtaining the full enjoyment of life; and/or has incurred and will continue to incur expenses for psychological treatment, therapy, and counseling, and, on information and belief has and/or will incur loss of income and/or loss of earning capacity.

**COUNT I: PLAINTIFF v. DEFENDANT MCCARRICK –
SEXUAL BATTERY**

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

103. From approximately 1982 to 1983, Defendant McCarrick inflicted unpermitted harmful and offensive bodily sexual contact upon the person of Plaintiff.

104. Plaintiff did not consent to the harmful bodily contact.

105. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional and psychological injuries, along with pain and suffering.

106. As a result of the foregoing, Plaintiff has been damaged in an amount which

exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

COUNT II: PLAINTIFF v. DEFENDANT DIOCESE OF METUCHEN - NEGLIGENCE

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

107. Defendant Diocese owed Plaintiff a duty of reasonable care to protect the Plaintiff from injury.

108. Defendant Diocese owed Plaintiff a duty of care because it had a special relationship with Plaintiff.

109. Defendant Diocese also had a duty arising from the special relationship that existed with Plaintiff, Plaintiff's parents, and other parents of young, innocent, vulnerable children, to properly train and supervise its clerics. This special relationship arose because of the high degree of vulnerability of the children entrusted to their care. As a result of this high degree of vulnerability and risk of sexual abuse inherent in such a special relationship, Defendant Archdiocese of Newark had a duty to establish measures of protection not necessary for persons who are older and better able to safeguard themselves.

110. Defendant Diocese owed Plaintiff a duty to protect Plaintiff from harm because Defendant Diocese also had a special relationship with McCarrick.

111. Defendant Diocese owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents, including McCarrick, out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including McCarrick, to spend time with, interact with,

and recruit children.

112. By holding McCarrick out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendant Diocese entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendant Diocese undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendant Diocese held a position of empowerment over Plaintiff.

113. Further, Defendant Diocese, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendant Diocese thus entered into a fiduciary relationship with Plaintiff. Defendant Diocese exploited its position of empowerment, putting Plaintiff at risk to be sexually assaulted.

114. By accepting custody and/or supervision of the minor Plaintiff, Defendant Diocese established an *in loco parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to protect Plaintiff from injury. Further, Defendant Diocese entered into a fiduciary relationship with Plaintiff by undertaking the custody, supervision of, and/or care of the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendant Diocese undertaking the care and guidance of the Plaintiff, Defendant Diocese also held a position of empowerment over Plaintiff. Further, Defendant Diocese, by holding itself out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendant Diocese, through its employees, exploited this power over Plaintiff and thereby put the minor Plaintiff at risk for sexual abuse.

115. By establishing and/or operating the Diocese, accepting the minor Plaintiff as a participant in its programs, holding its facilities and programs out to be a safe environment for Plaintiff, accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a fiduciary

relationship with Plaintiff, Defendant Diocese entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for children, who participated in their programs. Defendant Diocese owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from foreseeable dangers. Defendant Diocese had the duty to exercise the same degree of care over minors under its control as a reasonably prudent person would have exercised under similar circumstances.

116. By establishing and operating the Diocese, which offered educational programs to children, and by accepting the enrollment and participation of the minor Plaintiff as a participant in those educational programs, Defendant Diocese owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from generally foreseeable dangers.

117. Defendant Diocese owed Plaintiff a duty to protect Plaintiff from harm because Defendant Diocese invited Plaintiff onto its property and McCarrick posed a dangerous condition on Defendant Diocese's property.

118. Defendant Diocese breached its duties to Plaintiff by failing to use reasonable care. Defendant Diocese's failures include, but are not limited to, failing to properly supervise McCarrick, failing to properly supervise Plaintiff, and failing to protect Plaintiff from a known danger.

119. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT III: PLAINTIFF v. DEFENDANT DIOCESE - NEGLIGENT TRAINING AND SUPERVISION

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

120. At all times material, McCarrick was employed by Defendant Diocese and was

under Defendant Diocese's direct supervision, employ, and control when he committed the wrongful acts alleged herein. McCarrick engaged in the wrongful conduct while acting in the course and scope of his employment with Defendant Diocese and/or accomplished the sexual abuse by virtue of his job-created authority.

121. Defendant Diocese had a duty, arising from its employment of McCarrick, to ensure that McCarrick did not sexually molest children.

122. Further, Defendant Diocese owed a duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent, and address inappropriate behavior and conduct between clerics and children.

123. Defendant Diocese was negligent in the training, supervision, and instruction of its employees. Defendant Diocese failed to timely and properly educate, train, supervise, and/or monitor its agents or employees with regard to policies and procedures that should be followed when sexual abuse of a child is suspected or observed.

124. Defendant Diocese was additionally negligent in failing to supervise, monitor, chaperone, and/or investigate McCarrick and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent McCarrick's sexual abuse of Plaintiff.

125. In failing to properly supervise McCarrick, and in failing to establish such training procedures for employees and administrators, Defendant Diocese failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

126. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT IV: PLAINTIFF v. DEFENDANT DIOCESE - NEGLIGENT RETENTION

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under

this count.

127. At all times material, McCarrick was employed by Defendant Diocese and was under Defendant Diocese's direct supervision, employ, and control when he committed the wrongful acts alleged herein.

128. Defendant Diocese became aware or should have become aware of McCarrick's propensity for sexual abuse, and failed to take any further action to remedy the problem and failed to investigate or remove McCarrick from working with children.

129. Defendant Diocese negligently retained McCarrick with knowledge of McCarrick's propensity for the type of behavior which resulted in Plaintiff's injuries in this action.

130. Defendant Diocese negligently retained McCarrick in a position where he had access to children and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendant Diocese taken reasonable care.

131. In failing to timely remove McCarrick from working with children or terminate the employment of McCarrick, Defendant Diocese failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

132. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

**COUNT V: PLAINTIFF v. DEFENDANTS ARCHDIOCESE OF NEWARK AND
ARCHDIOCESAN ENTITIES- NEGLIGENCE**

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

133. Defendants Archdiocese and Archdiocesan Entities owed Plaintiff a duty of reasonable care to protect the Plaintiff from injury.

134. Defendants Archdiocese and Archdiocesan Entities owed Plaintiff a duty of care

because it had a special relationship with Plaintiff.

135. Defendants Archdiocese and Archdiocesan Entities also had a duty arising from the special relationship that existed with Plaintiff, Plaintiff's parents, and other parents of young, innocent, vulnerable children, to properly train and supervise its clerics. This special relationship arose because of the high degree of vulnerability of the children entrusted to their care. As a result of this high degree of vulnerability and risk of sexual abuse inherent in such a special relationship, Defendants Archdiocese and Archdiocesan Entities had a duty to establish measures of protection not necessary for persons who are older and better able to safeguard themselves.

136. Defendants Archdiocese and Archdiocesan Entities owed Plaintiff a duty to protect Plaintiff from harm because Defendants Archdiocese and Archdiocesan Entities also had a special relationship with Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera.

137. Defendants Archdiocese and Archdiocesan Entities owed Plaintiff a duty of reasonable care because it solicited youth and parents for participation in its youth programs; encouraged youth and parents to have the youth participate in its programs; undertook custody of minor children, including Plaintiff; promoted its facilities and programs as being safe for children; held its agents, including Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera, out as safe to work with children; encouraged parents and children to spend time with its agents; and/or encouraged its agents, including Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera, to spend time with, interact with, and recruit children.

138. By holding Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera out as safe to work with children, and by undertaking the custody, supervision of, and/or care of the minor Plaintiff, Defendants Archdiocese and Archdiocesan Entities entered into a fiduciary relationship with the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants Archdiocese and

Archdiocesan Entities undertaking the care and guidance of the then vulnerable minor Plaintiff, Defendants Archdiocese and Archdiocesan Entities held a position of empowerment over Plaintiff.

139. Defendants Archdiocese and Archdiocesan Entities, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendants Archdiocese and Archdiocesan Entities thus entered into a fiduciary relationship with Plaintiff. Defendants Archdiocese and Archdiocesan Entities exploited its position of empowerment, putting Plaintiff at risk to be sexually assaulted.

140. Further, by accepting custody and/or supervision of the minor Plaintiff, Defendants Archdiocese and Essex Catholic established an *in loco parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to protect Plaintiff from injury. Defendants Archdiocese and Archdiocesan Entities entered into a fiduciary relationship with Plaintiff by undertaking the custody, supervision of, and/or care of the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants Archdiocese and Archdiocesan Entities undertaking the care and guidance of the Plaintiff, Defendants Archdiocese and Archdiocesan Entities also held a position of empowerment over Plaintiff. Defendants Archdiocese and Archdiocesan Entities, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendants Archdiocese and Archdiocesan Entities, through its employees, exploited this power over Plaintiff and thereby put the minor Plaintiff at risk for sexual abuse.

141. By establishing and/or operating the Archdiocese and Essex Catholic, accepting the minor Plaintiff as a participant in its programs, holding its facilities and programs out to be a safe environment for Plaintiff, accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship with Plaintiff, Defendant Archdiocese entered into an express

and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for children, who participated in their programs. Defendants Archdiocese and Essex Catholic owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from foreseeable dangers. Defendant Archdiocese and Essex Catholic had the duty to exercise the same degree of care over minors under its control as a reasonably prudent person would have exercised under similar circumstances.

142. By establishing and operating the Archdiocese and Essex Catholic, which offered educational programs to children, and by accepting the enrollment and participation of the minor Plaintiff as a participant in those educational programs, Defendants Archdiocese and Essex Catholic owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from generally foreseeable dangers.

143. Defendants Archdiocese and Essex Catholic owed Plaintiff a duty to protect Plaintiff from harm because Defendants Archdiocese and Essex Catholic invited Plaintiff onto its property and McCarrick posed a dangerous condition on Defendants Archdiocese's and Essex Catholic's property.

144. Defendants Archdiocese and Archdiocesan Entities breached its duties to Plaintiff by failing to use reasonable care. Defendant Diocese's failures include, but are not limited to, failing to properly supervise Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera, failing to properly supervise Plaintiff, and failing to protect Plaintiff from a known danger.

145. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT VI: PLAINTIFF v. DEFENDANTS ARCHDIOCESE AND ARCHDIOCESAN ENTITIES - NEGLIGENT TRAINING AND SUPERVISION

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

146. At all times material, Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera were employed by Defendants Archdiocese and Archdiocesan Entities and were under Defendants Archdiocese's and Archdiocesan Entities' direct supervision, employ, and control when they committed the wrongful acts alleged herein. Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera engaged in the wrongful conduct while acting in the course and scope of their employment with Defendants Archdiocese and Archdiocesan Entities and/or accomplished the sexual abuse by virtue of his job-created authority.

147. Defendants Archdiocese and Archdiocesan Entities had a duty, arising from its employment of Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera, to ensure that Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera did not sexually molest children.

148. Further, Defendants Archdiocese and Archdiocesan Entities owed a duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent, and address inappropriate behavior and conduct between clerics and children.

149. Defendants Archdiocese and Archdiocesan Entities were negligent in the training, supervision, and instruction of its employees. Defendants Archdiocese and Archdiocesan Entities failed to timely and properly educate, train, supervise, and/or monitor its agents or employees with regard to policies and procedures that should be followed when sexual abuse of a child is suspected or observed.

150. Defendants Archdiocese and Archdiocesan Entities were additionally negligent in failing to supervise, monitor, chaperone, and/or investigate Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent the sexual abuse of Plaintiff.

151. In failing to properly supervise Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera, and in failing to establish such training procedures for employees and administrators, Defendants Archdiocese and Archdiocesan Entities failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

152. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

COUNT VII: PLAINTIFF v. DEFENDANTS ARCHDIOCESE AND ARCHDIOCESAN ENTITIES - NEGLIGENCE RETENTION

Plaintiff incorporates all consistent paragraphs of this Complaint as if fully set forth under this count.

153. At all times material, Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera were employed by Defendants Archdiocese and Archdiocesan Entities and were under Defendants Archdiocese's and Archdiocesan Entities' direct supervision, employ, and control when they committed the wrongful acts alleged herein.

154. Defendants Archdiocese and Archdiocesan Entities became aware or should have become aware of Br. Hewitt's, Fr. Ruane's, Fr. Walters', and Fr. Laferrera's propensity for sexual abuse, and failed to take any further action to remedy the problem and failed to investigate or remove Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera from working with children.

155. Defendants Archdiocese and Archdiocesan Entities negligently retained Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera with knowledge of Br. Hewitt's, Fr. Ruane's, Fr. Walters',

and Fr. Laferrera's propensity for the type of behavior which resulted in Plaintiff's injuries in this action.

156. Defendants Archdiocese and Archdiocesan Entities negligently retained Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera in a position where they had access to children and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendants Archdiocese and Archdiocesan Entities taken reasonable care.

157. In failing to timely remove Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera from working with children or restrict or terminate the employment of Br. Hewitt, Fr. Ruane, Fr. Walters, and Fr. Laferrera, Defendants Archdiocese and Archdiocesan Entities failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

158. As a direct and proximate result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and/or severally for compensatory damages, and for punitive damages, together with interest and costs in an unspecified amount, plus costs, disbursements, reasonable attorneys' fees, interest, and such other and further relief as the court deems just and equitable.

DEMAND FOR JURY TRIAL

The Plaintiff demands a trial by jury on all of the triable issues of this Complaint, pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

RULE 4:5-1 CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other pending and/or

contemplated action or pending and or contemplated proceeding. I know of no other parties who should be joined in this action at this time.

JEFF ANDERSON & ASSOCIATES PA

GIANFORCARO LAW



Jeffrey R. Anderson, Esq.
Trusha P. Goffe, Esq.
Attorneys for Plaintiff



Gregory G. Gianforcaro, Esq.
Attorney for Plaintiff

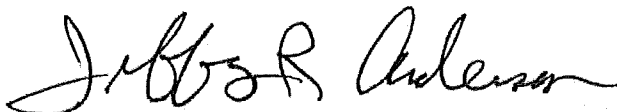
Dated: July 21, 2020

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Plaintiff hereby designates Jeffrey R. Anderson, Esq. as trial counsel for Plaintiff.

JEFF ANDERSON & ASSOCIATES PA

GIANFORCARO LAW



Jeffrey R. Anderson, Esq.
Trusha P. Goffe, Esq.
Attorneys for Plaintiff



Gregory G. Gianforcaro, Esq.
Attorney for Plaintiff

Dated: July 21, 2020